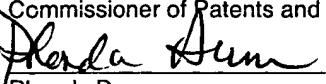


DT06 Rec'd PCT/PTO 10 DEC 2003

Express Mail mailing label no. EV 189460706 US

Date of Deposit: December 10, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450

  
Rhonda Dunn

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Allamanche, et al.	)	Examiner: Unassigned
Serial No. 09/914,371	)	Art Unit: Unassigned
Filed: August 21, 2001	)	December 10, 2003
For: Device and Method for Producing An Encoded Audio and/or Video Data Stream	)	

**RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.47(a)**

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

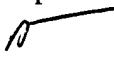
Sir:

Application respectfully responds to the Decision On Petition Under 37 CFR 1.47(a) by providing the enclosed documents herewith:

- Original Oath and Declaration (3 sheets);
- Copy of Decision on Petition Under 37 CFR 1.47(a); and
- Return Postcard

Commissioner is authorized to charge any fees that may be due and credit any overpayments to Deposit Account to Deposit Account No. 07-1445 (Order No. SCHO0064). A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

  
Michael A. Glenn  
Reg. No. 30,176

Customer No. 22862

**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name;

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DEVICE AND METHOD FOR PRODUCING AN ENCODED  
AUDIO AND/OR VIDEO DATA STREAM**

the specification of which (check one)    is attached hereto, or X was filed on August 24, 2001 as Application Serial No. 09/914,371 and was amended on        (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

=====

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Yes	Claimed No
PCT/EP99/09978 Number	PCT Country	15 December 1999 Day/Month/Year Filed	<u>X</u>	
19907964.1 Number	Germany Country	24 February 1999 Day/Month/Year Filed	<u>X</u>	

=====

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

MICHAEL A. GLENN, Reg. No. 30,176  
DONALD M. HENDRICKS, Reg. No. 40,355  
KIRK WONG, Reg. No. 43,284  
CHRISTOPHER PEIL, Reg. No. 45,005  
IVY LEE MAY, Reg. No. 46,925  
JULIA THOMAS, Reg. No. 52,283

SEND CORRESPONDENCE TO:

GLENN PATENT GROUP, 3475 Edison Way, Suite L, Menlo Park, CA 94025

=====

I hereby claim the benefit under Title 35, United States code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Ser. No. \_\_\_\_\_ Filing Date \_\_\_\_\_ Status: Patented, Pending, Abandoned \_\_\_\_\_

=====

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: ERIC ALLAMANCHE

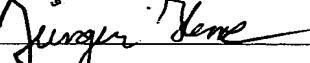
Inventor's signature  November 14, 2003  
Date

Residence Sulzbacherstrasse 41, D-90489 Nuernberg, Germany

Post Office Address Same

Citizenship Germany

Full name of second joint inventor: JUERGEN HERRE

Inventor's signature  November 14, 2003  
Date

Residence Am Eichengarten 11, D-91054 Buckenhof, Germany

Post Office Address Same

Citizenship Germany

Full name of third joint inventor: JUERGEN KOLLER

Inventor's signature  November 14, 2003  
Date

Residence St. Johann 6/113, D-91054 Erlangen, Germany

Post Office Address Same

Citizenship Germany

Full name of fourth joint inventor: NIELS RUMP

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 16 Chatsworth Avenue, Bromley, Kent BR1 1DP, Great Britian

Post Office Address Same

Citizenship Germany

**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name;

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**DEVICE AND METHOD FOR PRODUCING AN ENCODED  
AUDIO AND/OR VIDEO DATA STREAM**

the specification of which (check one)    is attached hereto, or X was filed on August 24, 2001 as Application Serial No. 09/914,371 and was amended on        (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

=====

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Yes	Claimed No
PCT/EP99/09978	PCT	15 December 1999	<u>X</u>	
Number	Country	Day/Month/Year Filed		
19907964.1	Germany	24 February 1999	<u>X</u>	
Number	Country	Day/Month/Year Filed		

=====

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

MICHAEL A. GLENN, Reg. No. 30,176  
DONALD M. HENDRICKS, Reg. No. 40,355  
KIRK WONG, Reg. No. 43,284  
CHRISTOPHER PEIL, Reg. No. 45,005  
IVY LEE MAY, Reg. No. 46,925  
JULIA THOMAS, Reg. No. 52,283

SEND CORRESPONDENCE TO:

GLENN PATENT GROUP, 3475 Edison Way, Suite L, Menlo Park, CA 94025

=====

I hereby claim the benefit under Title 35, United States code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Ser. No. \_\_\_\_\_ Filing Date \_\_\_\_\_ Status: Patented, Pending, Abandoned  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: ERIC ALLAMANCHE

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Sulzbacherstrasse 41, D-90489 Nuernberg, Germany Date \_\_\_\_\_

Post Office Address \_\_\_\_\_ Same \_\_\_\_\_

Citizenship \_\_\_\_\_ Germany \_\_\_\_\_

Full name of second joint inventor: JUERGEN HERRE

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Am Eichengarten 11, D-91054 Buckenhof, Germany Date \_\_\_\_\_

Post Office Address \_\_\_\_\_ Same \_\_\_\_\_

Citizenship \_\_\_\_\_ Germany \_\_\_\_\_

Full name of third joint inventor: JUERGEN KOLLER

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ St. Johann 6/113, D-91054 Erlangen, Germany Date \_\_\_\_\_

Post Office Address \_\_\_\_\_ Same \_\_\_\_\_

Citizenship \_\_\_\_\_ Germany \_\_\_\_\_

Full name of fourth joint inventor: NIELS RUMP

Inventor's signature Niels Rump Date November 14, 2003

Residence \_\_\_\_\_ 16 Chatsworth Avenue, Bromley, Kent BR1 1DP, Great Britian Date \_\_\_\_\_

Post Office Address \_\_\_\_\_ Same \_\_\_\_\_

Citizenship \_\_\_\_\_ Germany \_\_\_\_\_

11 SEP 2003

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ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

GLENN PATENT GROUP  
3475 Edison Way, Ste L,  
Menlo Park, CA 94025

In re Application of : DECISION ON  
Allamanche et al :  
PCT No.: PCT/EP99/09978 :  
Application No: 09/914,371 :  
Int. Filing Date: 15 December 1999 :  
Priority Date: 24 February 1999 : 37 CFR 1.47(a)  
Attorney's Docket No.: SCH00064 :  
For: Device and Method for Producing  
An Encoded Audio and/or Video data Stream :  
:

This decision is in response to applicant's " RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 24 July 2003 in response to a decision by this Office dated 03 June 2003.

**BACKGROUND**

The decision by this Office dated 03 June 2003 indicated that the record did not support the premise that petitioner had not submitted an affidavit or declaration from a person having firsthand knowledge on the items that were sent to Mr. Niels Rump, and that it could not be concluded that Mr. Rump could not be found or reached after diligent effort at that time.

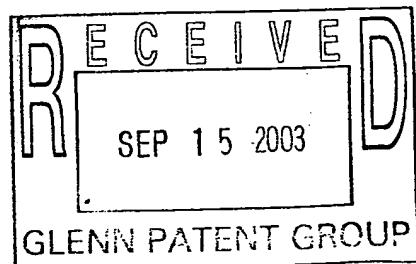
On 24 July 2003, petitioner filed this renewed petition accompanied by, inter alia, an executed declaration by Neils Rump, the remaining nonsigning inventor.

**DISCUSSION**

The petition states an executed declaration by inventor Niels Rump is provided, and all the requirements have been met.

The declaration is now signed by all the inventors. Accordingly, the declaration submitted on 24 July 2003 complies with 37 CFR 1.497(a) and (b).

However, the declaration of the inventors is not acceptable at this time, in that it has been improperly altered at pages 1, 3 and 4; that is certain sections have been whiten-out. See 37 CFR 52(c)(1).



**DECISION**

The petition under 37 CFR 1.47(a) is MOOT.

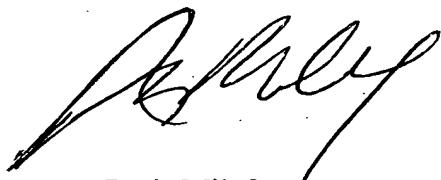
A proper response to this decision is a new declaration, which must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to respond will result in the abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares  
PCT Legal Examiner  
PCT Legal Office

Telephone: (703) 308-6312  
Facsimile: (703) 308-6459



Boris Milef  
PCT Legal Examiner  
PCT Legal Office